

REMARKS

Responsive to the Official Action dated December 5, 2006, the applicant amends the application by cancelling claims 1 through 22 without prejudice and adding new claims 23 through 43. A new Abstract of the Disclosure replaces the originally filed Abstract.

The rejection of now-cancelled claim 13 is obviated by cancellation of this claim. However, in order that the examiner can take cognizance, the recitation in now-cancelled claim 13 was appropriate and did indeed particularly point out and distinctly claim the subject matter which applicant regarded as the invention. The applicant makes this note so that no rejection of claims now asserted will be forthcoming.

The references cited by the examiner against now-cancelled claims 1 through 22 are not useful as references against the methods of claims 23 through 38 or combination claims 39 through 43. The applicant's reasons for this assertion follow.

The patents or pending applications to Sweeny, Goldwasser, Sitabkhan and O'Halloran absolutely disclose no more than chemicals that produce an odor. None of these references disclose aromatherapeutic agents. None of these references disclose the methods of use of aromatherapeutic agents as are disclosed and claimed herein.

Sweeny discloses "scratch and sniff" stickers which contain fragrant chemicals. No mood is evoked by the use of Sweeny's stickers. The chemicals of Sweeny are not disclosed as being aromatherapeutic agents. Sweeny does not disclose exertion of a forceful percussive action such as is associated with an emotional state so that release of an aroma caused by the action acts to alter the emotional state.

Goldwasser discloses a toy having a fragrance associated with a shaped portion of the toy to allow recognition of the manner in which that shaped portion of the toy, such as is shaped as an animal or the like, would smell.

O'Halloran discloses an article for evaluating the sense of smell.

Sitabkhan discloses extended release aromatic agents capable of incorporation into carpets and the like.

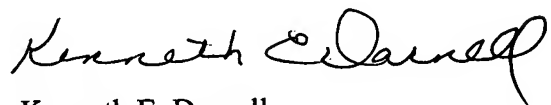
None of the references disclose use of an aromatherapeutic agent to alter mood, provide entertainment or produce a therapeutic affect on forceful striking of a substrate on which such an agent has been disposed.

Claims 23 through 38 recite methods for utilizing aromatherapeutic agents to produce an entertaining and/or therapeutic affect caused by forceful striking of a substrate to which the agent or agents are associated. No cited reference provides this disclosure.

Claims 39 through 43 provide a combination of structure having an aromatherapeutic agent or agents associated therewith, which substrate is forcefully struck to release an aroma producing an entertaining and/or therapeutic affect calming of the emotional condition causative of the desire to strike the substrate. No cited reference provides this disclosure.

The applicant therefore contends that claims 23 through 43 are allowable over the art of record and requests allowance of the claims herein asserted.

Respectfully submitted,



Kenneth E. Darnell
Reg. No. 26541

2010 West 7th Street
Coffeyville, Kansas 67337

620 251 1947